

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

ANTHONY A. WHITE,	)	JUDGE CHRISTOPHER A. BOYKO
	)	
Plaintiff,	)	CASE NO.1:05CV2616
	)	
-vs-	)	
	)	
DAVID BOBBY, WARDEN,	)	<u>ORDER</u>
	)	
	)	
Defendant(s).	)	

On November 28, 2006, the Court adopted the Report and Recommended Decision of the Magistrate Judge dismissing Petitioner's Writ for Habeas Corpus (ECF Doc. No. 16).

On December 22, 2006, Petitioner filed "Motion to File Pursuant to Federal Rules of Civil Procedure 60(b)(1), (2), (3), (4), (5) and (6), Relief From Judgment Or Order" (ECF Doc. No 18) and "Objections to Magistrate Judge's Report and Recommendation" (ECF Doc. No. 19).

On December 29, 2006, the Court referred Petitioner's "Motion to File Pursuant to Federal Rules of Civil Procedure 60(b)(1), (2), (3), (4), (5) and (6), Relief From Judgment Or Order" to the Magistrate Judge.

On March 7, 2007, The Magistrate Judge entered a Report and Recommended Decision that the Court withdraw its Order entered adopting the Report and Recommended Decision dismissing Petitioner's Writ for Habeas Corpus, accept

Petitioner's objections as timely filed and grant Respondent a reasonable period to respond.

The Court adopts the Report and Recommended Decision of the Magistrate Judge, withdraws its Order denying Petitioner's Writ for Habeas Corpus and accepts Petitioner's objections as timely filed. Respondent shall file a response by May 18, 2007.

IT IS SO ORDERED.

s/Christopher A. Boyko  
Christopher A. Boyko  
United States District Judge

April 27, 2007